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EXAMINER	
THOMAS, JASON M	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/685,245	VAN DER MEER ET AL.	
	Examiner	Art Unit	
	Jason Thomas	2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-34 and 36-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-34 and 36-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 08/572255.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Applicant's arguments, see pgs. 8-11, filed June 30th, 2008, with respect to the rejection(s) of claim(s) 19, 21-24, 26, 28-32, and 33-36 under U.S.C. 102(b) and 20, 25, 27 and 32 under U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made under Sellers et al. U.S. Patent No. 5,475,400.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 19-25, 40, 26-32, 41, 36, 37 and 44 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

   Regarding Claims 19 and 26: while the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 101"). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that

accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Regarding claim 36: applicant recites "a storage medium on which an image signal is stored comprising encoded data defining a graphic image." A "storage medium" as claimed does not define structural and functional interrelationships between the data structure and hardware component, such as a computer, which would permit the data structure to be realized. Since the encoded data is merely encoded data incapable of being executed by a computer or another device, the encoded data itself is not a process or tangible object but rather a data structure per se comprising non-functional descriptive material; therefore the invention as claimed is non-statutory.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 19-24, 26-31, 33, 34, and 36-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sellers et al., U.S. Pat. No. 5,475,400 (hereinafter Sellers) in view of Banker et al., U.S. Pat. No. 5,579,057 (hereinafter Banker).

Regarding claim 19: Sellers discloses a method comprising: encoding data defining a graphic image in an active video area (see [col. 1, ll. 39-49], [col.

2, ll. 28-35], [col. 3, ll. 40-44] for encoding a graphic image into a bitmap or using an encoded AVI file that can be displayed on a display screen), wherein pixels forming the region are encoded as n-bit pixels colour-look-up-table, and encoding a map table for mapping said-the n-bit pixels and a map table for mapping the n-bit pixels to a colour-look-up table having more than 2^n entries (see [fig. 2B], [col. 2, ll. 28-53], [col. 4, ll. 34-54], [col. 5, ll. 15-39] where color bit expansion allows files which have 1, 4 or 8 color bits per pixel to use a CLUT designed for 24 color bits per pixel through a conversion-translation process).

Sellers does not explicitly teach the method of encoding data in the form of a region within an active video area.

Banker teaches displaying encoded graphical images in a region within an active video area (see [fig. 3-5], [abstract]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to limit the encoded graphical image to a region of the active display, as taught in Banker, when providing a means of displaying encoded data on a display screen, as taught in Sellers, because such flexibility allows the display of symbols, graphics such as a logo or the like (see [col. 2, ll. 30-42]).

Regarding claim 26: Sellers discloses a method comprising: receiving encoded data defining a graphic image in the form of a region for display within an active video area (see [col. 1, ll. 39-49], [col. 2, ll. 28-35], [col. 3, ll. 40-44], [col. 4, ll. 30-33] for receiving an encoded graphic image such as a bitmap or an

AVI file that can be displayed such that the bitmap is a region on a display screen modified to produce the bitmap image), decoding the encoded data into pixels represented by n-bits; receiving a map table data; and storing the map table data in a map table for mapping the n-bit pixels to a colour-look-up-table having more than 2^n entries (see [fig. 3], [col. 4, ll. 30-33] for decoding the data, receiving the map table data, and storing in frame buffer 214 before mapping to CLUT 216).

Sellers does not explicitly teach the method of encoding data in the form of a region within an active video area.

Banker teaches displaying encoded graphical images in a region within an active video area (see [fig. 3-5], [abstract]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to limit the encoded graphical image to a region of the active display, as taught in Banker, when providing a means of displaying encoded data on a display screen, as taught in Sellers, because such flexibility allows the display of symbols, graphics such as a logo or the like (see [col. 2, ll. 30-42]).

Regarding claim 33: Sellers discloses a transmitter that is configured to transmit: encoded data defining a graphic image in the form of a region within an active video area, wherein pixels forming the region are encoded as n-bit pixels by n bit entries of a colour look up table, and map table for mapping the n-bit pixels to a colour-look-up-table having more than 2^n entries (see [fig. 2a, 204-205], [col. 3, ll. 40-46], [col. 5, ll. 30-39] for a transmitting system which requires

components such as a device driver which transmits encoded data received from the applications and DIB file running on an operating system to the graphics card, see also [instant claim 19 arguments] for the conversion-translation process).

Sellers does not explicitly teach the method of encoding data in the form of a region within an active video area.

Banker teaches displaying encoded graphical images in a region within an active video area (see [fig. 3-5], [abstract]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to limit the encoded graphical image to a region of the active display, as taught in Banker, when providing a means of displaying encoded data on a display screen, as taught in Sellers, because such flexibility allows the display of symbols, graphics such as a logo or the like (see [col. 2, ll. 30-42]).

Regarding claim 34: Sellers discloses a receiver coupled to a display screen that is configured to receive encoded data defining a graphic image in the form of a region for display within an active video area, and includes: a decoder that is configured to decode the encoded data into pixels represented by n-bits and map table data; and a mapper that is configured to map the n-bit pixels to a colour-look-up-table having more than 2^n entries (see [fig. 2a] for a graphics card used to receive the encoded data; see also [col. 2, ll. 5-21], [fig. 1b] for decoding the encoded data in prior art; see [fig. 2b] for this same function in the

claimed invention; see [fig. 2b, 252, 216], [instant claim 19 arguments] for mappers which map the n-bit pixels to a CLUT having more than 2^n entries in the conversion-translation process).

Sellers does not explicitly teach the method of encoding data in the form of a region within an active video area.

Banker teaches displaying encoded graphical images in a region within an active video area (see [fig. 3-5], [abstract]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to limit the encoded graphical image to a region of the active display, as taught in Banker, when providing a means of displaying encoded data on a display screen, as taught in Sellers, because such flexibility allows the display of symbols, graphics such as a logo or the like (see [col. 2, ll. 30-42]).

Regarding claim 36: Sellers discloses a storage medium on which an image signal is stored comprising encoded data defining a graphic image in the form of a region within an active video area (see [fig. 1b, 14], [fig. 2b, 214] for a storage medium used to store the display image), wherein the pixels forming the region are encoded as n-bit pixels the encoded data further including a map table for mapping the n-bit pixels to a colour-look-up-table having-more than 2^n entries (see [instant claim 19 arguments] for mapping using the conversion-translation process).

Sellers does not explicitly teach the method of encoding data in the form of a region within an active video area.

Banker teaches displaying encoded graphical images in a region within an active video area (see [fig. 3-5], [abstract]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to limit the encoded graphical image to a region of the active display, as taught in Banker, when providing a means of displaying encoded data on a display screen, as taught in Sellers, because such flexibility allows the display of symbols, graphics such as a logo or the like (see [col. 2, ll. 30-42]).

Regarding claim 20: The combined teachings of Sellers, in view of Banker, teach the method of claim 19, including encoding a compatibility code indicating a required minimum number of entries of the colour-look-up-table (see Sellers [col. 4, ll. 34-67] where the DIB is inherently designed according to a compatibility code which indicates that if the DIB file has one bit of color information it must be initialized with two entries).

Regarding claim 21: The combined teachings of Sellers, in view of Banker, teach the method of claim 19, wherein the region is a rectangular region and the encoded data includes the size and position of the rectangular region (see Banker [fig. 3], [fig. 5] for the size and position of a rectangular region).

Regarding claim 22: The combined teachings of Sellers, in view of Banker, teach the method of claim 19, wherein the encoded data for the region

further includes a time stamp representing the time at which the region is to be displayed (see Banker [figs. 17a & b], [col. 1, ll. 49-56], [col. 14, ll 4-29], [col. 14, ll. 40-41] for timing data embedded in the control parameters which describe displays to be displayed on the screen).

Regarding claim 23: The combined teachings of Sellers, in view of Banker, teach the method of claim 22, including encoding a visibility code to disable the display of the region (see Banker [fig. 6], [col. 13, ll. 31-37] for disabling the display of a region).

Regarding claim 24: The combined teachings of Sellers, in view of Banker, teach the method of claim 19, wherein a region comprises a plurality of subregions, at least one of the subregions including an identifier code to allow a graphic image defined by the subregion to be referred to by a further region (see Banker [fig. 6 & 7], [col. 2, ll. 31-42], [col. 2, ll. 47-59], [col. 10, ll. 39-47], [col. 13, ll. 12-22], [col. 13, ll.46-67] for sub-regions that are defined in a symbol set definition which can be referred to).

Regarding claim 27: The combined teachings of Sellers, in view of Banker, teach the method of claim 26, wherein the encoded data includes a compatibility code indicating a required minimum number of entries of the colour-look-up-table, and the method includes disabling the generation of the translation table if the required minimum number of entries is greater than the number of entries of the colour-look-up-table (see Sellers [col. 4, ll. 45-67] for a code in the register which is used to render inoperable the translation table if the size of the

entries has exceeded the limit for the number of entries) but does not teach a code for disabling the display due to such an event.

Banker teaches a code used to enable or disable the controller which is used to display the generated signals on the display screen (see [col. 14, ll. 38-40]).

At the time the invention was made it would have been obvious to one of ordinary skill in the art to use a code to disable a device used to display the generated signals on a display screen, as taught in Banker, when providing a code to perform a specific action using a code when the number of entries has exceeded the limit of available number of entries, as taught in Sellers, because in the event an image exceeds the number of entries available, disabling the display of the generated image signals will prevent improper display or other errors caused by entries which exceed the available entry space.

Regarding claim 28: The combined teachings of Sellers, in view of Banker, teach the method of claim 26, wherein the region is a rectangular region and the encoded data includes the size and position of the rectangular region, and the method includes decoding the size and position of the region, storing the pixels, and generating display signals representing the pixels at the position (see [figs. 2-7], [fig. 17a], [fig. 18a], [col. 2, ll. 43-59], [col. 3, ll. 9-11], [col. 7, ll. 41-43], [co.. 10, ll. 4-16], [col. 13, ll. 12-19], [col. 20, ll. 32-34] including the size and position as well as using this included information to generate the signals on the screen according to the included information).

Regarding claim 29: The combined teachings of Sellers, in view of Banker, teach the method of claim 26, including decoding a time stamp included in the encoded data, and generating display signals from a time represented by the time stamp (see [figs. 17a & b], [col. 1, ll. 49-56], [col. 14, ll.4-29], [col. 14, ll. 40-41] for timing data embedded in the control parameters which describe displays to be displayed on the screen).

Regarding claim 30: The combined teachings of Sellers, in view of Banker, teach the method of claim 29, including decoding a visibility code included in subsequent encoded data for a given region, and disabling the generation of the display signals for the region in response to the visibility code (see Banker [fig. 6], [col. 12, ll. 31-37] for disabling the display of a region).

Regarding claim 31: The combined teachings of Sellers, in view of Banker, teach the method of claim 26, wherein the region includes a plurality of subregions includes an identifier code, and the method includes including the subregion in a further region that references the identifier code (see Banker [fig. 6 & 7], [col. 2, ll. 31-42], [col. 2, ll. 47-59], [col. 10, ll. 39-47], [col. 13, ll. 12-22], [col. 13, ll.46-67] for sub-regions that are defined in a symbol set definition which can be referred to).

Regarding claim 37: The combined teachings of Sellers, in view of Banker, teach the transmitter of claim 33, including an encoder that is configured to encode the n-bit pixels and the map table data of the encoded data (see

Sellers [cols. 2-3, ll. 65-18], [col. 3, ll. 40-46], [col. 4, ll. 30-33] for a system which encodes the image and submit the map table data to the graphics card).

Regarding claim 38: The combined teachings of Sellers, in view of Banker, teach the transmitter of claim 33, wherein the encoded data includes a compatibility code that indicates a required minimum number of entries of the colour- look-up-table for displaying the region (see Sellers [col. 4, ll. 34-67] where the DIB is inherently designed according to a compatibility code which indicates that if the DIB file has one bit of color information it must be initialized with two entries).

Regarding claim 39: The combined teachings of Sellers, in view of Banker, teach the receiver of claim 34, wherein the encoded data includes a compatibility code that indicates a required minimum number of entries of the colour- look-up-table, and the receiver is configured to disable display of the region if the required minimum number of entries is greater than the number of entries of the colour-look-up-table (see Sellers [col. 4, ll. 45-67] for a code in the register which is used to render inoperable the translation table if the size of the entries has exceeded the limit for the number of entries; see also Banker [col. 14, ll. 38-40] for a code used to enable or disable the controller which is used to display the generated signals on the display screen).

Regarding claim 40: The combined teachings of Sellers, in view of Banker, teach the method of claim 19, including encoding the colour-look-up-table (see Sellers [col. 2-3, ll. 65-18] for encoding the CLUT).

Regarding claim 41: The combined teachings of Sellers, in view of Banker, teach the method of claim 26, including receiving colour-look-up-data and storing the colour-look-up-data in the colour-look-up-table (see Sellers [fig. 1B, 14], [fig. 2B, 214], [col. 2-3, ll. 65-18] for receiving and storing the CLUT data in the CLUT).

Regarding claim 42: The combined teachings of Sellers, in view of Banker, teach the transmitter of claim 33, wherein the transmitter is configured to transmit the colour-look-up-table (see Sellers [col. 2, ll. 22-27], [col. 5, ll. 1-14] for transmitting a CLUT in the form of a color palette).

Regarding claim 43: The combined teachings of Sellers, in view of Banker, teach the receiver of claim 34, wherein the encoded data includes colour-look- up-data and the decoder is configured to decode the colour-look-up-data and storing the colour-look-up-data in the colour-look-up-table (see Sellers [fig. 1b, 14], [fig. 2b, 214], [col. 2-3, ll. 65-18] for a receiver capable of decoding and storing the CLUT).

Regarding claim 44: The combined teachings of Sellers, in view of Banker, teach the storage medium of claim 36, wherein the encoded data includes the colour-look-up-table (see Sellers [fig. 1b, 14], [fig. 2b, 214], [col. 2-3, ll. 65-18], [col. 4, ll. 15-17] for a storage which stores the CLUT).

3. Claims 25 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sellers, in view of Banker and Maturi et al., U.S. Pat. No. 5,559,999 (hereinafter Maturi).

Regarding claim 25: The combined teachings of Sellers, in view of Banker, does not teach wherein the encoded data is accommodated in a private transport stream according to the MPEG2 standard or extension thereof.

Maturi teaches a private transport stream according to the MPEG2 standard which is used to transmit encoded data (see [cols. 2-3, ll. 48-1], [col. 5, ll. 20-28] wherein using a private transport stream in inherently built into the MPEG2 transport stream protocol).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use MPEG2 transport methods, as taught in Maturi, to transmit display data through a distribution system, as taught in Banker, because the MPEG standard is commonly used in the art to optimize bandwidth, through compression, while maintaining video quality when transmitting video and video related data (see Birch [col. 1, ll. 45-51]).

Regarding claim 32: The combined teachings of Sellers, in view of Banker and Maturi, teach wherein the video signal is encoded according to an MPEG2 standard or extension thereof, and wherein the encoded data defining the graphic image is accommodated in packets of an MPEG2 private transport stream (see Maturi [cols. 2-3, ll. 48-1], [col. 5, ll. 20-28] for the use of a packetized stream when transmitting video data where each frame represents and encoded graphical image).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Thomas whose telephone number is (571) 270-5080. The examiner can normally be reached on Mon. - Thurs., 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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